

REMARKS

Claims 1, 3, 5, 7, 9-11 and 13-16 remain pending in the present application. Claims 17-19 are new. Basis for the amendments and new claims can be found throughout the specification, claims and drawings originally filed.

REJECTION UNDER 35 U.S.C. § 103

Claims 1, 3, 5, 7, 11, 13, 14 and 15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Nakamura, et al. (Pat. No. 11-287584) in view of Nobuaki, et al. (Pat. No. 08327286). Claims 9 and 10 are rejected under 35 U.S.C. §103(a) as being unpatentable over Nakamura, et al. (Pat. No. 11-287584) in view of Nobuaki, et al. (Pat. No. 08327286) as applied to Claims 1, 3, 5, 7, 11, 13, 14 and 15 above, and further in view of Lu (U.S. Pat. No. 5,482,114). Claim 16 is rejected under 35 U.S.C. §103(a) as being unpatentable over Nakamura, et al. (Pat. No. 11-287584) in view of Sugimoto, et al. (U.S. Pat. No. 6,357,521). Applicants respectfully traverse this rejection.

Claim 1 of the present invention defines rectangular header tanks that have a long sidewall surface and a short side wall surface. Concave and convex portions are defined as being formed in a first portion of the long side wall of the header tank. A mounting member is secured to the long side wall of the header tank. A reinforcement is attached to each of the mounting members in contact with the long side wall of the header tank.

The Examiner's position is that Nakamura, et al. discloses the Applicants' claimed invention except for convex and concave portions being formed on the long side wall of the header tank. The Examiner then looks to Nobuaki to find a header tank

- that comprises concave and convex portions on the long side wall of the header tank.
- The header tank in Nobuaki is a cylindrical shaped tank which does not have a long and a short side wall which define a fluid chamber. Nobuaki does include brackets 4 which are contoured and thus may have a concave and/or a convex portion but brackets 4 are not part of the sidewall that forms a fluid chamber. Even assuming that the Examiner defines the contoured shape of brackets 4 as being "concave and convex" portions, brackets 4 are not attached to a long side wall portion of the header tank and there is nothing in Nobuaki which would suggest placing concave and convex portions on a long side wall of the tank since Nobuaki does not have long and short sides of the tank.

Nobuaki does disclose a mounting member (bracket 4) being secured to the side wall of the header tank but even this could not be defined as the long side wall since the cylindrical tank of Nobuaki does not have a long and a short sidewall.

Thus, Applicants believe Claim 1 patentably distinguishes over the art of record. Likewise, Claims 3, 5, 7, 10, 11, 15 and 16, which ultimately depend from Claim 1, are also believed to patentably distinguish over the art of record. Reconsideration of the rejection is respectfully requested.

Regarding Claim 9, Lu discloses mounting members 40, 42 and 44 which are separate from reinforcements 52. The problem with Lu is that its mounting members are not secured to the long side wall of the header tank and thus, the reinforcement member (bar 52) cannot be attached to the side of the mounting member in contact with the long side wall of the header tank because the mounting members do not contact the header tanks. In addition, the above argument as it relates to Claim 1 applies here also.

Thus, Applicants believe Claim 9 patentably distinguishes over the art of record.

Regarding Claims 13 and 14, the above arguments as they apply to Claim 1, apply to Claims 13 and 14 also. Thus, Applicants believe Claims 13 and 14 also patentably distinguish over the art of record. Reconsideration of the rejection is respectfully requested.

NEW CLAIMS

New Claims 17 and 78 are dependent claims which depend from Claims 13 and 14 and define the position of the concave and convex portions. New Claim 19 is an independent claim which also defines the position of the concave and convex portions.

CONCLUSION

It is believed that all of the stated grounds of rejection have been properly traversed, accommodated, or rendered moot. Applicants therefore respectfully request that the Examiner reconsider and withdraw all presently outstanding rejections. It is believed that a full and complete response has been made to the outstanding Office Action, and as such, the present application is in condition for allowance. Thus, prompt and favorable consideration of this amendment is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at (248) 641-1600.

Respectfully submitted,

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